

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	CASE NO. 18-41781
	§	
MARILYN SELVAGGI	§	
	§	
DEBTOR	§	CHAPTER 7
	§	

ENGLISH INTERNATIONAL CONSTRUCTION, LLC	§	
	§	
	§	
Plaintiff,	§	
	§	
Vs.	§	Adversary Proceeding No. 18-4094
	§	
MARILYN SELVAGGI	§	
	§	
Defendant.	§	

AGREED ORDER DISMISSING ADVERSARY PROCEEDING

On February 26, 2019, the Court called this matter for management conference. Following said hearing, and based upon the parties' representations that settlement had been reached, the parties have tendered this Agreed Order Dismissing Adversary Proceeding. The Court finds that the parties have resolved their disputes through independent documents in a manner that does not

¹Notwithstanding the fact that the Debtor-Defendant is represented by counsel in this adversary proceeding, the Court has reviewed a pleading tendered on this date by the Defendant in a *pro se* capacity in which she asks that the entry of this Order be deferred due to concerns regarding a particular provision in the underlying settlement agreement regarding her selection of a realtor for the sale of certain designated property. The Court declines to grant such deferral because: (1) the enforceability of the settlement agreement is a post-petition, state law issue over which this Court has no jurisdiction; (2) the Defendant is not repudiating the underlying financial terms of settlement with the Plaintiff in her pleading; and (3) the Defendant is still free to choose her realtor with the Plaintiff's consent which cannot be unreasonably withheld. The subsequent pleading thus fails to present sufficient cause to defer the entry of this dismissal order or, quite honestly, to demonstrate why the dismissal of this nondischargeability adversary proceeding does not continue to be in the Debtor-Defendant's best interests.

impact the bankruptcy estate and thus requires no further notice to creditors. Thus, pursuant to the agreement of the parties, the Court finds that just cause exists for entry of the following order.

IT IS THEREFORE ORDERED that the complaint in the above-referenced adversary proceeding is hereby **DISMISSED**.

Signed on 03/20/2019



THE HONORABLE BILL PARKER
CHIEF UNITED STATES BANKRUPTCY JUDGE

ACKNOWLEDGED AND AGREED:

/s/ D. Shawn Council

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